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REMARKS

The allowance of claims 19 and 20 is noted.

Please amend the application as follows;

In the claims:

Amend claims 1, 15 and 17 in the manner shown in the attached
CLAIM AMENDMENTS.

Claims 1 to 22 remain in the application.

Claim 1 has been amended to more explicitly define applicant's invention over the cited Strebelow patent (WO95/26623). Claim 1 has been further amended to more correctly define applicant's invention.

Claims 15 and 17 have been amended to more explicitly define the invention so as to more clearly distinguish patentably over Strebelow.

The examiner is respectfully requested to reconsider her rejection of claims 1-4, 15-18 under 35 U.S.C. 102(b) as being anticipated by Strebelow.

Claim 1, as now amended, calls for the support wall to be fixedly mounted on the base, and stationary on the base. The claim also calls for at least one opening in the support wall, the opening closed by a wall panel forming part of the support wall; the wall panel carrying some of the mounting means. Strebelow does not disclose either of these features.

Strebelow has a sprout growing unit that has a base 4 and what appears to be an open cylindrical cage 6 rotatably mounted on top of the base 4 via rollers 64. The open cage 6 has vertical support rods 63 for supporting vertical columns of triangular trays 61, the trays in each column stacked one above the other with space between adjacent trays for sprouts to grow in the

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trays. The cage 6 is enclosed by an enclosure 2 comprising, in part, part-cylindrical door panels 5 movable only on vertical hinges, and a fixed housing 7.

In Strebelow, the plant growing units (the trays) are mounted on a movable cage. In applicant's structure, the plant growing units are mounted on a fixed, stationary support wall. In Strebelow, the plant growing units are not mounted on the door panels. In applicant's structure, the plant growing units are mounted on the door panels. In view of these differences it is believed that claim 1, as now amended, is not anticipated by Strebelow and the rejection of claim 1, and claims 2-4 and 15-18, dependent thereon, under 35 U.S.C. 102(b) should be withdrawn.

The examiner, in rejecting claim 1 as being anticipated by Strebelow, indicated that the mounting means for the plant growing units in Strebelow were on the 'support wall' 2. This is incorrect. The mounting means in Strebelow are instead on the cage 6 which is rotatably mounted within the 'support wall' 2 and which is separate from the 'support wall' 2.

The examiner should further withdraw the rejection of claims 15-18 as being anticipated by Strebelow since claims 15 and 17 have been amended to call for the mounting means to be located solely at the top portion of the support wall. In Strebelow the mounting means are located over the full height of the cage. Strebelow uses stacked trays mounted from top to bottom of the cage. Applicant uses elongated grow blocks suspended from the top only of the support wall.

The examiner is also requested to reconsider the rejection of claims 5-14 under 35 U.S.C. 103(a) as being unpatentable over Strebelow in view of Ishimoto (US 5228235). The examiner states that it would be obvious to substitute the central light source

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shown in Ishimoto for the peripheral light source shown in Strebelow and arrive at applicant's structure.

It is respectfully submitted that such a substitution would have not been at all obvious. Strebelow uses a central, vertical, water feed pipe 81, with horizontal distribution pipes leading off it, to distribute water to the trays. A light such as Ishimoto's could not be centrally mounted in Strebelow since it would interfere with the rotation of the horizontal pipes extending from the vertical feed pipe. In using a central water pipe, Strebelow is required to place his grow lights on the outside of the cage.

Further, Strebelow does not disclose a central light tube open at the top and bottom as defined in claims 7-8 and 12-13. The light tube in Ishimoto is not open at the top. The open light tube in applicant's device allows air to circulate through the tube to be heated by the light and thus provide a warm environment in which the plants grow. The air also cools the lights.

The examiner is also requested to reconsider her rejection of claims 21 and 22 under 35 U.S.C. 103.a' as being unpatentable over Strebelow in view of Martin (US 3458951). Strebelow does not disclose a support wall fixedly mounted on the base and stationary thereon. Nor does Strebelow disclose a door panel in the support wall having mounting means thereon. In view of these differences claims 21 and 22 are believed to patentably distinguish over Strebelow in view of Martin.

Claim 1 has been further amended to correct the description of the support wall. As the drawings clearly show, the support wall forms a generally cylindrical enclosure. It is believed that the word 'cylindrical' more correctly defines the enclosure formed by the support wall than the word 'annular'.

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CLAIM AMENDMENTS

1. (Currently amended) A hydroponic growing unit having a base, the outer periphery of the base defined by an outer, vertical base wall, the base shaped to hold liquid; a annular vertical plant support wall forming a generally (annular) cylindrical enclosure, the support wall fixedly mounted on the base wall to extend above the base and to enclose space above the base, the support wall stationary on the base, the support wall having a plurality of mounting means on its inner surface for use in mounting growing plants within the enclosure; and a least one opening in the support wall providing access to the enclosed space and to the inner surface of the support wall, the opening normally closed by at least one wall panel forming part of the support wall, the wall panel carrying some of the mounting means.

2. (Previously presented) A hydroponic growing unit as claimed in claim 1 wherein the outer periphery of the base is generally circular.

3. (Original) A unit as claimed in claim 1 wherein the base is in the shape of an annular trough, the trough having inner and outer vertical side walls and a bottom wall joining the side walls with the outer side wall of the trough forming the base wall.

4. (Original) A unit as claimed in claim 3 wherein the trough has a well formed therein for collecting the liquid in the trough, the well sized to receive a pump for pumping liquid from the well.

5. (Original) A unit as claimed in claim 3 including a light support extending diametrically across the inner side wall of the

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trough.

6. (Original) A unit as claimed in claim 5 including a tubular light means extending up from the middle of the light support, the light means located in the center of the support wall.

7. (Original) A unit as claimed in claim 6 wherein the light means comprises a transparent tube having a light source at each end, and light source support means at each end, the light source support means being open to pass air through the light means.

8. (Original) A unit as claimed in claim 7 including a ventilating fan at the bottom of the tube for drawing air into the tube to heat it and to cool the light sources, the air emerging from the top of the tube into the enclosure to provide heat to the plants growing in the enclosure.

9. (Original) A unit as claimed in claim 7 including a top light support mounted on the top of the support wall and supporting the top end of the tube centrally within the support wall.

10. (Original) A unit as claimed in claim 1 including light means extending up from the middle of the base, the light means located in the center of the support wall.

11. (Original) A unit as claimed in claim 3 including light means extending up from the middle of the base, the light means located in the center of the support wall.

12. (Original) A unit as claimed in claim 11 wherein the light means comprises a transparent tube having a light source at each end, and light source support means at each end, the light source

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support means being open to pass air through it.

13. (Original) A unit as claimed in claim 12 including a ventilating fan at the bottom of the tube for drawing air into the tube to heat it and to cool the cool the light sources, the air emerging from the top of the tube into the enclosure to provide heat to the plants growing in the enclosure.

14. (Original) A unit as claimed in claim 12 including a top light support mounted on the top of the support wall and supporting the top end of the tube centrally within the support wall.

15. (Currently amended) A unit as claimed in claim 1 wherein the mounting means mount plant growing blocks arranged about the inner surface of the support wall, the mounting means located solely at the top portion of the support wall.

16. (Previously presented) A unit as claimed in claim 15 including a watering inlet associated with each mounting means, the watering inlets supported by the top of the support wall and connected via tubing and a pump to the liquid in the base.

17. (Currently amended) A unit as claimed in claim 3 wherein the mounting means mount plant growing blocks arranged about the inner surface of the support wall, the mounting means located solely at the top portion of the support wall.

18. (Previously presented) A unit as claimed in claim 17 including a watering inlet associated with each mounting means, each watering inlet supported by the top of the support wall and connected via tubing, and a pump in the well, to the liquid in

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the base.

19. (Previously presented) A unit as claimed in claim 15 including a growing block suspended from each block mounting means, the block comprising plant growing material encased in a cover, the block extending generally over the height of the support wall and having an inner surface facing inwardly toward the center of the support wall, the cover on the inner surface having openings providing access to the growing material within the cover, the openings permitting the plants to be planted in the growing material.

20. (Previously presented) A unit as claimed in claim 17 including a growing block suspended from each block mounting means, the block comprising plant growing material encased in a cover, the block extending generally over the height of the support wall and having an inner surface facing inwardly toward the center of the support wall, the cover on the inner surface having openings providing access to the growing material within the cover, the openings permitting the plants to be planted in the growing material.

21. (Original) A unit as claimed in claim 1 wherein the support wall has two diametrically opposed openings therein, each opening closed by two end wall panels, each end wall panel hinged to the support wall, the end wall panels forming part of the support wall when closed.

22. (Original) A unit as claimed in claim 3 wherein the support wall has two diametrically opposed openings therein, each opening closed by two end wall panels, each end wall panel hinged to the support wall, the end wall panels forming part of the support wall when closed.

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